

### **REMARKS**

Claims 1-4, and 18-19 are pending in this application.

#### **Double Patenting**

Applicants respectfully request that the obviousness type double patenting rejection be held in abeyance until the claims are otherwise allowable. Additionally, in light of the comments herein, Applicants respectfully request the Examiner to reconsider the double patenting rejections.

Notably, US 6,110,914 corresponds to WO00/03859, which is addressed below. Similarly, US 6,995,167 which corresponds to WO00/42044, is also addressed below. Accordingly, in light of the amendments and comments herein, the double patenting rejection with respect to these references should be withdrawn along with the 35 U.S.C. § 103 rejections.

#### **35 U.S.C. § 103**

Claims 1-4 and 18-19 stand rejected under 35 U.S.C. § 103(a) as allegedly obvious over WO99/03859 and WO 00/42044.

The Office alleges that "H vs. alkyl is considered to be prima facie obvious". While Applicants do not agree that this is always the case, as an administrative expedient, applicants have deleted the alkyl substituent from the definition of Ar in independent claim 1. With this amendment, Applicants respectfully assert that the rejection has been overcome. Withdrawal of the rejection is respectfully requested.

Dependent claim 3 has been amended to account for the amendment of independent claim 1.

The Commissioner is hereby authorized to charge any fee or underpayment thereof or credit any overpayment to Deposit Account No. 26-0166.

Early reconsideration and allowance of all pending claims is respectfully requested. The examiner is requested to contact the undersigned attorney if an interview, telephonic or personal, would facilitate allowance of the claims.

Respectfully submitted,

/Michael A. Patané/

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